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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR 13-515 CRB  
Plaintiff, )  
v. )  
PATRICK STEPHEN PEARMAIN, )  
Defendant. )  
)

On July 24, 2013, at 1:00 p.m., the parties appeared before the Court for a hearing on the government's motion for the detention of Defendant Patrick Stephen Pearmain pending trial. The Court has reviewed and considered the following materials: (1) the papers filed in this case, including the Complaint, the Affidavit of Special Agent Andrew Jensen in support of the Complaint, the government's Memorandum in Support of Motion for Detention; (2) the report prepared by Pretrial Services; and (3) arguments by counsel for the government and by counsel for the defendant made during the July 24, 2013 hearing. After careful deliberation, the Court

**[PROPOSED] ORDER GRANTING MOTION FOR DETENTION  
CR13-515 CRB**

1 makes the following determination:

2 Under the Bail Reform Act of 1984, 18 U.S.C. §§ 3141 *et seq.*, there is a presumption  
3 that a defendant should be detained pending trial in cases where there is probable cause to  
4 believe that the defendant committed a drug trafficking offense that features a maximum term of  
5 imprisonment of ten years or more. Here, the defendant is charged with violations of 21 U.S.C.  
6 §§ 846 and 861, both of which carry maximum terms of imprisonment of life. Accordingly, the  
7 Court finds that the presumption of detention applies in this case. Furthermore, for the reasons  
8 set forth below, the Court finds that the defendant has not rebutted the presumption in favor of  
9 detention.

10 Specifically, the Court finds that the government has shown by clear and convincing  
11 evidence that, should he be released, the defendant poses a danger to the community and to other  
12 persons, and that there exists no reasonable combination of conditions that would sufficiently  
13 mitigate this danger. In reaching this conclusion, the Court finds the following:

14 • The defendant was found by law enforcement officers with a 15 year-old  
15 girl in a hotel in West Sacramento, California.

16 • Officers found condoms and a pregnancy test in the hotel room.

17 • When found, the 15 year-old girl was naked but for a towel, and had  
18 apparently just gotten out of the shower.

19 • Officers also found a notebook containing what appears to be a script for  
20 the 15 year-old girl to use when she called law enforcement along with  
21 information about growing marijuana.

22 • Officers also found a pre-paid “buy and burn” cellular phone that was  
23 used by the 15 year-old girl to call law enforcement and tell them that she  
24 was “ok.”

25 • During the course of the charged conspiracy, the defendant sexually  
26 abused the 15 year-old girl.

27 • The defendant’s sexual abuse of the 15 year-old girl included oral  
28 copulation and sexual intercourse.

1           • The defendant imprisoned the 15 year-old girl in a 4' x 2' x 2' metal box on  
2           two occasions for a total of three days.  
3           • The defendant was present in the marijuana growing operation on co-  
4           defendant Balletto's property with the 15 year-old girl.  
5           • The defendant removed the girl from the property and took her to West  
6           Sacramento in order to avoid apprehension by law enforcement.

7           Moreover, the government has shown by a preponderance of the evidence that the  
8           defendant poses a risk of flight and that there exists no condition or reasonable combination of  
9           conditions that would sufficiently mitigate this danger. In reaching this conclusion, the Court  
10          finds the following:

11           • The defendant is charged with offense that, if convicted, would result in a  
12          sentence of a mandatory minimum term of 10 years and up to lifetime  
13          imprisonment.  
14           • The defendant was present in the marijuana growing operation on co-  
15          defendant Balletto's property with the 15 year-old girl.  
16           • The defendant removed the girl from the property and took her to West  
17          Sacramento in order to avoid apprehension by law enforcement.

18          Therefore, the government's motion for detention is hereby GRANTED, and the Court  
19          ORDERS that the defendant be remanded to the custody of the U.S. Marshals pending trial.

20  
21          IT IS SO ORDERED.

22  
23          Dated: August 6, 2013



24          HON. NANDOR J. VADAS  
25          United States Magistrate Judge